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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/832,015	04/10/2001	Nancy J. Woolf	NJW-I	9668
27157	7590 09/25/2002			
GREENWALD & BASCH, LLP			EXAMINER	
	349 WEST COMMERCIAL STREET, SUITE 2490 EAST ROCHESTER, NY 14445		TURNER, SHARON L	
			ART UNIT	PAPER NUMBER
			1647	
			DATE MAILED: 09/25/2002	Ļ

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

2*		Application N .	Applicant(s)			
Office Action Summary		09/832,015	WOOLF ET AL.			
		Examiner	Art Unit			
		Turner	1647			
Period fo	The MAILING DATE f this communication app or Reply	ears on the cover sheet with the c	orrespondence address			
THE I - Exter after - If the - If NO - Failu - Any r	ORTENED STATUTORY PERIOD FOR REPLY MAILING DATE OF THIS COMMUNICATION. Insions of time may be available under the provisions of 37 CFR 1.13 SIX (6) MONTHS from the mailing date of this communication. It is period for reply specified above is less than thirty (30) days, a reply opened for reply is specified above, the maximum statutory period were to reply within the set or extended period for reply will, by statute, reply received by the Office later than three months after the mailing and patent term adjustment. See 37 CFR 1.704(b).	36(a). In no event, however, may a reply be timed within the statutory minimum of thirty (30) day will apply and will expire SIX (6) MONTHS from a cause the application to become ABANDONE	nely filed s will be considered timely. the mailing date of this communication. D (35 U.S.C. § 133).			
1)[Responsive to communication(s) filed on 10.A	April.2001 .				
2a)	This action is FINAL . 2b)⊠ Thi	is action is non-final.				
3)	closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.					
- ;	ion of Claims					
· -	Claim(s) <u>1-19</u> is/are pending in the application					
	4a) Of the above claim(s) is/are withdray	vn from consideration.				
-	Claim(s) is/are allowed.					
•	Claim(s) is/are rejected.					
	Claim(s) is/are objected to.					
•	Claim(s) <u>1-19</u> are subject to restriction and/or e	election requirement.				
• -	•					
	The specification is objected to by the Examine					
10)	The drawing(s) filed on is/are: a) ☐ accep	·				
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). 11) The proposed drawing correction filed on is: a) approved b) disapproved by the Examiner.						
1:/	If approved, corrected drawings are required in rep		ved by the Examiner.			
121	The oath or declaration is objected to by the Exa					
1	inder 35 U.S.C. §§ 119 and 120					
	Acknowledgment is made of a claim for foreign	priority under 35 H S C & 110/a) (d) or (f)			
,	Acknowledgment is made of a claim for lovelight ☐ All b) ☐ Some * c) ☐ None of:	priority under 33 0.3.0. § 119(a)	y-(u) or (i).			
a)ر		have been received				
	1. Certified copies of the priority documents		an Na			
,	2. Certified copies of the priority documents	• •				
* s	3. Copies of the certified copies of the prior application from the International Bur See the attached detailed Office action for a list of the control o	eau (PCT Rule 17.2(a)).				
(4)□ A	cknowledgment is made of a claim for domestic	priority under 35 U.S.C. § 119(e) (to a provisional application).			
) The translation of the foreign language protection The translation of the foreign language protection.					
A#achment	d(s)					
2∭ Notica	e of References Cited (PTO-892) e of Draftsperson's Patent Drawing Review (PTO-948) nation Disclosure Statement(s) (PTO-1449) Paper No(s)	· =	(PTO-413) Paper No(s) Patent Application (PTO-152)			

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DETAILED ACTION

Election/Restrictions

- 1. Restriction to one of the following inventions is required under 35 U.S.C. 121:
 - I. Claims 1-9, drawn to a method for treating Alzheimer's disease comprising administering to a human patient an antagonist of a neurotransmitter receptor, classification dependent upon antagonist structure.
 - II. Claims 10-14 and 19 (each in part), drawn to an implanted device with means of delivering a compound to a patient, classified in class 604, subclass 890.1, for example.
 - III. Claims 10 and 15-18 (each in part), drawn to a device which is comprised of an implantable sensor, classified in class 604, subclass 890.1, for example.
- 2. The inventions are distinct, each from the other because of the following reasons:
- 3. Although there are no provisions under the section for "Relationship of Inventions" in M.P.E.P. § 806.05 for inventive groups that are directed to different products, restriction is deemed to be proper because these products constitute patentably distinct inventions for the following reasons. Inventions II and III are directed to products that are distinct both physically and functionally, are not required one for the other, and are therefore patentably distinct. The implanted delivery device of Invention II is independent and distinct from the sensor of Invention III because it is not required to make or use the device of Invention II. The implanted sensor of Invention III is independent and distinct from the delivery device of Invention III because it is not required to make or use the sensor of Invention III.

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- 4. Inventions I and II are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the device of Invention II could be used to deliver insulin into the blood stream.
- 5. Inventions I and III are related as process and apparatus for its practice. The inventions are distinct if it can be shown that either: (1) the process as claimed can be practiced by another materially different apparatus or by hand, or (2) the apparatus as claimed can be used to practice another and materially different process. (MPEP § 806.05(e)). In this case the sensor of Invention III could be used to measure neurotransmitters in an animal model for neuroscience experiments.
- 6. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, separate search requirements, and/or different classification, restriction for examination purposes as indicated is proper.
- 7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharon Turner whose telephone number is (703) 308-0056. The examiner can normally be reached on Monday through Friday, 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gary Kunz, Ph.D. can be reached on 703-308-4623. The fax phone numbers for the organization where this application or proceeding is assigned are 703-872-9306 for regular communications and 703-872-9307 for After Final communications. The fax phone numbers for the customer service center is 703-872-9305.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0196.

CJN September 19, 2002